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APPLICATION NO. 15	FILING DATE 95	ISRAEL	FIRST NAMED INVENTOR	R	ATTORNEY DOCKET NO.
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18M1/0807

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CAPUTA EXAMINER

ART UNIT

PAPER NUMBER

08/07/97

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

08/470,735

Applicant(s)

Israeli et al.

Examiner

Anthony C. Caputa

Group Art Unit

1817



☒ Responsive to communication(s) filed on Jun 13, 1997

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 93-104 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☒ Claim(s) 94-96 and 98-101 is/are allowed.

☒ Claim(s) 93, 97, and 102-104 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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### **DETAILED ACTION**

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claim 93 is rejected under 35 U.S.C. 102(b) as being anticipated by Feng et al. 1991  
Feng et al. discloses of a isolated PSM antigen with a molecular weight of 110 kda and an antibody which react with said antigen.

#### ***Claim Rejections - 35 USC § 112***

2. Claims 97, and 102-104 rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The specification as original filed provides no support for antibody binding to peptide having the amino acid sequence of SEQ ID No. 38. Original claims 35 and 36, and pages 17, 55-55 as set forth by applicants do not provide support for antibody binding to peptide having the amino acid sequence of SEQ ID No. 38.

3. Claims 94-96, and 98-101 are allowed.

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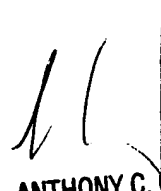
Any inquiry concerning this communication should be directed to Dr. Anthony C. Caputa, whose telephone number is 703-308-3995.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist, whose telephone number is 703-308-0196.

Papers related to this application may be submitted to Group 1817 by facsimile transmission. Papers should be faxed to Group 1817 via the PTO Fax Center located in Crystal Mall 1. The faxing of such papers must conform with the notice published in the official Gazette 1096 OG 30 (November 15, 1989). The CMI Fax Center number is (703)-308-4242.

Anthony C. Caputa, Ph.D.

August 4, 1997

  
ANTHONY C. CAPUTA  
PRIMARY EXAMINER  
GROUP 1800